

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

LACI M COYLE

Claimant

APPEAL NO. 12A-UI-06646-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MID-STEP SERVICES INC

Employer

OC: 05/13/12

Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated June 4, 2012, reference 01, which denied unemployment insurance benefits finding the claimant voluntarily quit work to move to a different locality. After due notice, a telephone hearing was held on June 28, 2012. Claimant participated. The employer participated by Ms. Jan Hackett, Human Resource Director.

ISSUE:

The issue is whether the claimant left employment for the sole purpose of accepting new employment.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Laci Coyle was employed by Mid-Step Services, Inc. from May 11, 2009 until December 9, 2011 when she voluntarily left employment to accept new employment in a different locality. Ms. Coyle worked as a full-time residential living assistant and was paid by the hour. Her immediate supervisor was Lonnie Jones.

Ms. Coyle left her employment after submitting a two-week advance notice of her intention to leave stating on the resignation that she was leaving to "relocate." The claimant's intention was to leave to accept previously secured employment with the Akron Care Center. Ms. Coyle did accept employment with the Akron Care Center beginning on December 13, 2011. She worked for the new employer and earned wages.

Ms. Coyle had some dissatisfaction with staff members employed by Mid-Step Services, Inc. The employer had acted reasonably in transferring the claimant to more than one location at the claimant's request. Claimant continued to have additional problems with staff members at the other locations. At the time of leaving employment Ms. Coyle did not specify that she was leaving because of dissatisfaction with her employment. The claimant had informed Jan

Hackett, the company's human resource director, that her intention to leave was based upon relocating to take new employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-a provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The question is whether the evidence in the record establishes the existence of a bona fide offer of employment that the claimant accepted before resigning from Mid-Step Services, Inc. It does. Ms. Coyle had secured new employment with the Akron Care Center prior to leaving her employment with Mid-Step Services, Inc. The claimant began her new employment with Akron Care Center and earned wages for services with the new employer after leaving Mid-Step Services, Inc. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible. Benefits related to wage credits the claimant earned from Mid-Step Services, Inc. shall be charged to the Unemployment Compensation Fund.

DECISION:

The representative's decision dated June 4, 2012, reference 01, is reversed. Claimant is eligible to receive unemployment insurance benefits providing that she meets all other eligibility requirements of Iowa law. Benefits relating to wage credits the claimant earned from Mid-Step Services, Inc. shall be charged to the Unemployment Compensation Fund.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs